



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**REGION III**  
**1650 Arch Street**  
**Philadelphia, Pennsylvania 19103-2029**

September 21, 2009

Mr. Kevin Wickey  
State Conservationist  
National Resources Conservation Service  
75 High Street, Room 301  
Morgantown, WV 26505

Re: Final Supplemental Work Plan and Final Environmental Impact Statement for the Lost River Subwatershed of the Potomac River Watershed, Hardy County, West Virginia (Second Issue, August 2009); CEQ No. 20090301

Dear Mr. Wickey,

In accordance with the National Environmental Policy Act (NEPA), Section 309 of the Clean Air Act and the Council on Environmental Quality (CEQ) regulations implementing NEPA (40CFR 1500-1508), the United States Environmental Protection Agency (EPA) has reviewed the Final Environmental Impact Statement (FEIS) for the construction of Site 16 flood control and water supply structure on Lower Cove Run, Lost River Subwatershed. It is our understanding that application under Section 404 of the Clean Water Act (Section 404) for impacts to wetlands has been re-submitted to the EPA and the US Army Corps of Engineers for this proposed project. The FEIS has been prepared and the project sponsored by the Hardy County Commission, Potomac Valley Conservation District and the West Virginia State Conservation Committee; the document was prepared with assistance of the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS).

The Draft Environmental Impact Statement (DEIS, August 2006) and Final EIS (April 2007) were released for review, and comments were prepared by EPA and sent to NRCS in correspondence dated October 24, 2006 and June 4, 2007 respectively. A Second DEIS (April 2009) was prepared and reviewed by EPA, and comments sent to NRCS in correspondence of May 27, 2009. In the letter of May 27, 2009, as well as earlier letters, EPA discussed a few deficiencies in the document, especially related to support of the need of the project, data on current conditions in the watershed since placement of the earlier constructed dams, the limited analysis of impacts that would be associated with the development of a water distribution system (one of the needs stated for the project, but expected to be implemented at a later date), and environmental justice issues. EPA recognizes and appreciates the effort to provide additional information to address deficiencies, in particular the added information on project document history, the Hardy County Water Resources Report summary and reference, information on the




water supply distribution system Environmental Assessment, aquatic resource mitigation commitments and the response to comments (pages 96-107).

EPA maintains concerns because of environmental impacts to a cold water stream and loss of wetland resources from the proposed construction. It is believed that there remain items not fully addressed by the revisions, in some cases due to lack of available information, including data on current environmental conditions (for instance water quality on the reach where improvements are expected with the Site 16 project, and effectiveness of protection of thermal water quality with existing structures), issues associated with project need and assessment of alternatives to meet need, benefits and functions of the structures in place (Dams 4, 27 and 10; it is understood that monitoring was not a permit requirement). The EIS does, appropriately, supply information on cumulative impacts of specific projects in the area, but a quantitative historic resources trends analysis for the study area could be further developed, if data allowed. Concerns about this project remain, though the second final document has gone far to address some of the inadequacies of the original DEIS.

EPA appreciates the opportunity to provide comments on the Second FEIS for the Lower Cove Run Site 16 dam project and would be pleased to discuss any of the comments and suggestions presented in this letter. Please feel free to contact Barbara Rudnick, NEPA Team Leader and principal staff contact at (215) 814-3322.

Sincerely,



 Jeffrey Lapp  
Associate Director  
Office of Environmental Programs

cc: US Army Corps of Engineers, Pittsburgh District

